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EXAMINER

HOANG, PHUONG N

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,533

Applicant(s)

BARTZ ET AL.

Examiner

Phuong N. Hoang

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 115 and 116. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Pouschine, US patent no. 5,918,232.

As to claim 14, Pouschine teaches a versioning system comprising:

first parsing (parser 122, col. 15 lines 50 – 52) means for parsing at least a first portion of a data request or command (HOL queries, col. 15 lines 60 – col. 16 lines 45);

one or more second parsing means for parsing at least a second portion of the data request or command (calculation engine 18, col. 16 lines 25 – 45);

command dispatching (dispatcher 120, col. 15 lines 45 – 67) means for dispatching the parsed data request or command; and

one or more versioning protocol providers (ODBC 30, fig. 1 and col. 15 lines 65 - col. 16 lines 1) for receiving the dispatched request or command.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 6, 15, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of Hills, US patent no. 6,473,807.

As to claim 15, Pouschine does not explicitly teach wherein one or more of the second parsing means are under control of a respective one of the protocol providers.

Hills teaches one or more of the second parsing means are under control of a respective one of the protocol providers (request is parsed by ODBC invocation program, col. 5 lines 55 col. 6 lines 18).

It would have been obvious to apply the teaching of Hills to Pouschine's system because the ODBC is necessary to select a driver for connecting to the databases.

As to claim 16, Pouschine teaches one or more stores operatively couplable to one or more of the protocol providers (ODBC, fig. 1 and col. 15 lines 65 - col. 16 lines 1).

Pouschine does not explicitly teach version stores.

The APA teaches version store (versioned stores, page 1).

It would have been obvious to apply the teaching of the APA to Pouschine's system because RDBMS is well known as keeping updating data.

As to claim 1, Pouschine teaches an architecture for a versioning application program interface, comprising:

an OLE DB interface (OLE API, col. 9 lines 30 – 45) for communicating with a client application (client application 40, col. 9 lines 30 – 45);

a first command parser (parser 122, col. 15 lines 50 – 52) operatively coupled to the OLE DB interface;

a command dispatcher (dispatcher 120, col. 15 lines 45 – 67) operatively coupled to the first command parser; and

one or more protocol providers (ODBC 30, fig. 1 and col. 15 lines 65 - col. 16 lines 1) operatively couplable to the command dispatcher.

Pouschine does not teach with each protocol provider including a second command parser.

Hills teaches each protocol provider including a second command parser (request is parsed by ODBC invocation program, col. 5 lines 55 col. 6 lines 18).

It would have been obvious to apply the teaching of Hills to Pouschine's system because the parser is necessary to select a driver for connecting to the databases.

As to claim 2, Pouschine teaches an architecture of claim 1, wherein the one or more protocol providers includes at least two protocol providers (ODBC 30, fig. 1).

As to claim 4, Pouschine teaches the architecture of claim 1, wherein the command dispatcher functions synchronously or asynchronously (subsequently, col. 15 lines 65 – col. 16 lines 5) and wherein one or more of the protocol providers function synchronously (inherent because the ODBC just execute when users make request to database).

As to claim 6, Pouschine teaches one or more version stores operatively couplable to one or more of the protocol providers (accesses the databases through the ODBC 30, fig. 1 and col. 15 lines 65 - col. 16 lines 1).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of Hills, US patent no. 6,473,807, and further in view of "Official Notice".

As to claim 3, it would have been obvious for one skilled in the art to recognize that OLE DB should apply to OLE DB 2.5 because it would provide for compatibility of exiting systems while having the most up to date version of the software for performance reasons.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232, in view of Hills, US patent no. 6,473,807, and further in view of Burroughs, US patent no. 6,341,289.

As to claim 5, Pouschine and the APA do not teach wherein one or more of the protocol providers is implemented as one or more C++ or COM objects.

Art Unit: 2126

Burroughs teaches one or more of the protocol providers is implemented as one or more C++ (ODBC consists function calls in a high-level language, such as C, C++, col. 8 lines 50 – 60).

It would have been obvious to apply the teaching Burroughs to Pouschine's system because C++ is well-known as a dependable language.

Claims 7, 11, 13, 17 – 19, 20 – 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of the admitted prior art (APA) pages 1 – 2.

As to claim 7, Pouschine teaches an architecture for a versioning application program interface, comprising:

an interface (interface, col. 15 lines 30 – 35) for communicating with a client application (client application 40, col. 9 lines 30 – 45);

a command dispatcher (dispatcher 120, col. 15 lines 45 – 67) for dispatching commands or requests from the client application;

two or more versioning protocol providers (ODBC 30, fig. 1 and col. 15 lines 65 – col. 16 lines 1) operatively couplable to the command dispatcher, with each versioning protocol provider for communicating with a at least one corresponding store (RDBMS, col. 16 and fig. 1).

Pouschine does not teach version store.

The APA teaches version store (versioned stores, page 1).

Art Unit: 2126

It would have been obvious to apply the teaching of the APA to Pouschine's system because RDBMS is well known as keeping updating data.

As to claim 11, Pouschine teaches the architecture of claim 1, wherein the command dispatcher functions synchronously or asynchronously (subsequently, col. 15 lines 65 – col. 16 lines 5) and wherein one or more of the protocol providers function synchronously (inherent because the ODBC just executes when users make request to database).

As to claim 13, Pouschine modified by the APA teaches one or more version stores operatively couplable to one or more of the protocol providers (Pouschine, accesses the databases through the ODBC 30, fig. 1 and col. 15 ln. 65 - col. 16 ln. 1).

As to claim 17, Pouschine teaches a method of operating a computer system including two or more version stores, the method comprising:

receiving a request from a client application (client application 40, col. 9 lines 30 – 45) with the request having at least first and second portions;

parsing the first portion of the request (parser 122, col. 15 lines 50 – 52);

parsing the second portion of the request based on results of parsing the first portion (calculation engine 18, col. 16 lines 30 – 45);

dispatching (dispatcher, col. 15 lines 45 – col. 6) the parsed first and second portions of the request to one of the two or more stores (RDBMS, col. 16) based on the first portion of the request.

Pouschine does not teach version store.

The APA teaches version store (versioned stores, page 1).

It would have been obvious to apply the teaching of the APA to Pouschine's system because RDBMS is well known as keeping updating data.

As to claim 18, Pouschine teaches parsing the second portion of the request based on results of parsing comprises:

passing the second portion to a command parser associated with only with one of the version stores, based on the first portion (this is sent to the calculation engine 18, col. 16 lines 22 – 45)

parsing the second portion (calculation engine 18, col. 6 lines 30 – 45) at the command parser associated with the one version store (RDBMS, col. 16).

As to claim 19, see claim 11 above.

As to claim 20, 23, Pouschine teaches a method of operating a versioning system, comprising:

receiving a request for data (server receives request for data from client, col. 9);
selecting at least one version store from a group of two or more stores and
communicating information based on the request to the selected store (communicates with a RDBMS through an SQL generator 218, col. 16 lines 40 – 60).

Pouschine does not teach version store.

The APA teaches version store (versioned stores, page 1).

It would have been obvious to apply the teaching of the APA to Pouschine's system because RDBMS is well known as keeping updating data.

As to claim 21, Pouschine modified by the APA teaches adding one or more version stores to the group of three or more version stores to form an extended group of

two or more version (APA, store one or more versions of a document, page 1 first paragraph of background).

As to claim 22, Pouschine modified by the APA teaches the system would receive many requests from user (APA, store one or more versions of a document, page 1 first paragraph of background).

As to claim 24, Pouschine teaches a computer readable medium having executable instructions encoded thereon comprising:

an application program interface (API, col. 9 lines 35 – 45) for receiving requests for data (data, col. 15 lines 30 – col. 16); and

two or more versioning protocol providers (ODBC, fig. 1 and col. 15 lines 65 - col. 16 lines 1) operatively coupled to the application program interface for facilitating fulfillment of the received requests.

Pouschine does not teach versioning data.

The APA teaches versioning data (versioned stores, page 1).

It would have been obvious to apply the teaching of the APA to Pouschine's system because RDBMS is well known as keeping updating data.

Claims 8, 9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of the admitted prior art (APA) pages 1 – 2, and further in view of Hills, US patent no. 6,473,807.

As to claim 8, 9, Pouschine teaches:

a first command parser (parser 122, col. 15 lines 50 – 52) for parsing at least a first portion of a request or command from the client application; and

Pouschine does not teach two or more second command parsers for parsing a second portion of the request or command from the client application, with each of the second command parsers associated with only one of the versioning protocol providers.

Hills teaches two or more second command parsers for parsing a second portion of the request or command from the client application, with each of the second command parsers associated with only one of the versioning protocol providers (request is parsed by ODBC invocation program, col. 5 lines 55 col. 6 lines 18).

It would have been obvious to apply the teaching of Hills to Pouschine's system because the parser is necessary to select a driver for connecting to the databases.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232 in view of the admitted prior art (APA) pages 1 – 2, and further in view of "Official Notice".

As to claim 10, it would have been obvious for one skilled in the art to recognize that OLE DB should apply to OLE DB 2.5 because it would provide for compatibility of exiting systems while having the most up to date version of the software for performance reasons.

Art Unit: 2126

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pouschine, US patent no. 5,918,232, in view of the admitted prior art (APA) pages 1 – 2, and further in view of Burroughs, US patent no. 6,341,289.

As to claim 12, Pouschine does not teach wherein one or more of the protocol providers is implemented as one or more C++ or COM objects.

Burroughs teaches one or more of the protocol providers is implemented as one or more C++ (ODBC consists function calls in a high-level language, such as C, C++, col. 8 lines 50 – 60).

It would have been obvious to apply the teaching Burroughs to Pouschine's system because C++ is well-known as a dependable language.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong N. Hoang whose telephone number is (703) 605-4239. The examiner can normally be reached on Monday - Friday 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2126

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)746-7140.

Ph

October 10, 2003



**JOHN FOLLANSBEE
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